IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

Bail Appl..No. 275 of 2007()

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CRIME NO.291/06 OF POONTHURA POLICE STATION.

: PETITIONER/ ACCUSED.

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ABDUL KALAM, KALAM MANZIL,
MILK COLONY ROAD, POONTHURA PO,
THIRUVANANTHAPURAM.

BY ADV. SRI.P.A.AHAMMED
SRI.M.SREEKUMAR
SRI.A.SAJAD
SRI.A.SAMEER (TRIVANDRUM)

RESPONDENTS: STATE/COMPLAINANT.

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1. THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE, POONTHURA POLICE STATION, POONTHURA.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V. RAMKUMAR, J.**

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**BAIL APPLICATION NO.275 OF 2007**

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**DATED THIS THE 18th DAY OF JANUARY, 2007**

**O R D E R**

Petitioner who is the accused in Crime No.291/06 Poonthura Police Station for offences punishable under sections 498A and 307 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that the de facto complainant, viz; Sumayya Beevi who is the wife of the petitioner and whom the petitioner had married in 1978 was assaulted by the petitioner on her head with an iron chair at about 9AM on 24.11.2006 and that the petitioner had also thrown boiling water all over her body.

4. It is too early to accept the petitioner's contention that the alleged incident is false and that it was an accident on account of the carelessness of the de facto complainant herself. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files

an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn